

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35202 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- ANDHRAMATH District- Madhubani

MD. SHAMSHAD Son of Md. Lukman Resident of Village- Bontol, P.S.-
Laukahi, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Baleshwar Kamat, Advocate

For the Opposite Party : Mr.Raj Kishore Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-05-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner apprehends arrest in a case registered for the offences punishable under Sections 272, 273, 414 of the Indian Penal Code and under section 30a of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 381 liters of country made liquor from a Tata Indica car and Apache motorcycle. Petitioner's name has come on the basis of confessional statement of co-accused Saddam.

Learned counsel for the petitioner submits that the petitioner is neither the owner of the aforesaid vehicles nor the liquor has been recovered from his possession. Mandatory provision of section 100 Cr.P.C.has not been followed at the



time of search and seizure. Petitioner has no criminal antecedent.

Considering the facts of the case, let the petitioner, above named, in the event of his arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II cum Special Judge Excise Act, Madhubani in Andhra Math Police Station Case No. 34 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioner.

(Prabhat Kumar Singh, J)

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